

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA

THE STATE OF MISSOURI, *et al.*,

*Plaintiffs,*

v.

President Joseph R. Biden, Jr., in his  
official capacity as President of the United  
States of America, *et. al.*,

*Defendants.*

Civil Action No. 3:22-cv-1213

**MOTION BY PLAINTIFF JAYANTA BHATTACHARYA TO WITHDRAW AS  
PLAINTIFF**

Pursuant to Federal R. Civ. P. 41(a)(2), Plaintiff Dr. Jayanta Bhattacharya moves to voluntarily withdraw as a plaintiff from this lawsuit. This voluntary withdrawal is appropriate because (in a perhaps unprecedented and unquestionably an ironic turn of events) Dr. Bhattacharya has been confirmed, as of March 25, 2025, as Director of the National Institutes of Health (NIH). Since NIH is a Defendant in this action, Dr. Bhattacharya is now a Defendant (in his official capacity). Because conflicts rules do not allow an individual to sue himself, Dr. Bhattacharya's withdrawal from this lawsuit is not only appropriate but necessary.

Dr. Bhattacharya's departure from the lawsuit will not prejudice any of the other parties involved in this action. Many of the instances of censorship that Dr. Bhattacharya alleges also occurred against Plaintiff Dr. Martin Kulldorff, as co-authors of the Great Barrington Declaration. Moreover, Plaintiffs have not yet filed their proposed interrogatories and subpoenas, pursuant to the Court's January 27, 2025 Order (ECF 426), as all parties agreed to stay proceedings to determine the effect of President Trump's Executive Order 14149, "Restoring Freedom of Speech and Ending

Federal Censorship.” *See* 2/11/25 Order Staying Deadlines, ECF 434; 3/26/25 Order Staying Deadlines, ECF 436. Should this case move forward after this issue has been ironed out, the remaining Plaintiffs will, of course, not include discovery requests designed to establish Dr. Bhattacharya’s standing.

Dated: April 16, 2025

Respectfully submitted,  
/s/ Jenin Younes  
Jenin Younes  
Litigation Counsel  
4250 Fairfax Drive, Suite 300  
Arlington, Virginia 22203  
tel.: (202) 869-5210  
[jenin.younes@ncla.legal](mailto:jenin.younes@ncla.legal)

John J. Vecchione  
Senior Litigation Counsel  
4250 Fairfax Drive, Suite 300  
Arlington, Virginia 22203  
tel.: (202) 869-5210  
[john.vecchione@ncla.legal](mailto:john.vecchione@ncla.legal)

*Counsel for Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that on April 16, 2025, an electronic copy of the foregoing motion was filed with the Clerk of the Court using the CM/EFC filing system and that service will be accomplished using the CM/ECF system.

/s/Jenin Younes